

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

ARMANDO VILLANUEVA and)
HORTENCIA SAINZ, individually)
and as successor in interest to) Case No.
Pedro Villanueva, deceased, and)
FRANCISCO OROZCO, individually,) 8:17-cv-01302-JLS-KES
)
Plaintiffs,)
)
vs.)
)
STATE OF CALIFORNIA; JOHN)
CLEVELAND; RICH HENDERSON; and)
JOHN DOES 1-10, inclusive,)
)
Defendants.)
_____)

DEPOSITION OF SGT. R. ZAVALA

Taken at:

HOST BUSINESS SERVICES
321 N. Mall Drive, #R201
St. George, Utah 84790

On Wednesday, June 27, 2018
At 10:00 a.m.

Reported by: Russel D. Morgan, CSR

1 not the ticket writing guys. They are not the arrest guys.
2 They are the investigators. So if somebody needs a ticket
3 or somebody needs to be arrested, we usually use, or we do
4 use the marked units, the uniformed patrol officers to
5 handle those details. That way we are able to keep the
6 unmarked units clear so they can keep moving on, moving on
7 and identifying other violators.

8 Q So is it fair to say that, generally, the role of
9 the unmarked units before the night of the incident --
10 strike that.

11 Is it fair to say that generally the role of the
12 unmarked units in this street racing enforcement detail was
13 to identify violators, see where the street racers were
14 congregating or gathering, and then bring in black and
15 whites, potentially, to cite any violators?

16 A Correct.

17 Q And, just generally, it was not the role of the
18 unmarked vehicles to cite violators; is that correct?

19 A Yeah, I don't even know if those guys actually
20 carry ticket books anymore, because they are investigators.
21 They are not actual, you know, doing traffic enforcement
22 things all day long. They still could but, generally, they
23 wouldn't.

24 Q All right. So, as you would -- had you ever seen
25 any unmarked vehicles write tickets in this special racing

1 enforcement detail before the night of the incident?

2 A Not personally, because those guys, once again,
3 aren't ticket writers. That's not the purpose for them
4 being out there.

5 Q And what is the purpose of them being out there?

6 A To, once again, follow these crowds, be able to
7 get close where they can see the vehicles. Because when you
8 are talking these huge crowds, there is no way a black and
9 white is going to get that deep in there. First off, it's
10 not safe. It's not very smart. So, with those guys, they
11 can ID who is driving, who is doing what, call in the units.
12 Once everybody starts to disburse, they can continue to
13 follow the vehicle till we can get a black and white behind
14 them to actually make the enforcement stop.

15 Q So, it would be the role of the unmarked vehicles
16 to wait for a black and white unit to arrive before making
17 an enforcement stop in this unit, correct?

18 MS. DEAN: Objection. Misstates the testimony.

19 BY MR. GARCIA:

20 Q You can answer.

21 A Ask the question again. I'm sorry.

22 Q Yeah. Just, generally, it wasn't the role of the
23 unmarked vehicle to make the stop. It was the role of the
24 black and white; is that correct?

25 A There is nothing keeping them from making the

1 stop. But our practice was for them just to keep eyes on
2 the vehicle till we could get black and whites to make the
3 stop. At that point, they would let us know what they saw,
4 and then we would take the appropriate enforcement action
5 after that.

6 Q Had you ever seen unmarked vehicles in this street
7 racing enforcement detail conduct pursuits of vehicles?

8 A No.

9 Q Would the undercover vehicles in the street racing
10 enforcement detail ever conduct pursuits of violators in
11 these sidershows?

12 MS. DEAN: Objection. Calls for speculation.

13 BY MR. GARCIA:

14 Q Based on what you know.

15 A Ask the question again, please.

16 Q Based on what you observed in these street racing
17 enforcement detail units, had you ever seen, sir, undercover
18 police officer vehicles -- let me start that over again.
19 Based on what you had seen in these street racing
20 enforcement detail units, had you ever seen undercover
21 officers in vehicles conduct pursuits of violators in these
22 sidershows?

23 A No.

24 Q Based on what you know, had you ever seen
25 undercover units pursue, in surveillance mode, violators at

1 these sideshows?

2 A No.

3 Q So, from what I understand is, from your
4 understanding, the undercover units would go to identify a
5 location; is that correct?

6 A They could.

7 Q And if they went to a location and identified
8 violators, they would then call in a black and white to
9 issue a ticket; is that correct?

10 A Whatever action, either a ticket or an arrest.
11 Whatever they deemed appropriate at that time.

12 Q But is it fair to say that these undercover units
13 would not be actively conducting the arrest or issuing the
14 ticket based on what you know?

15 A That's correct.

16 Q Generally, if an undercover unit saw -- let me
17 start over. Can you just tell me the procedure of how
18 events would unfold if an undercover vehicle saw a violator
19 in a sideshow when you are in the street racing enforcement
20 detail?

21 A I'm sorry. Can you state the question again?

22 Q So, an undercover vehicle in this street racing
23 enforcement detail identified a violator?

24 A Okay.

25 Q What would happen after that?

1 they ID one doesn't mean somebody else isn't doing it. So,
2 they are watching maybe two, three vehicles doing doughnuts,
3 calling out the units, you know, identifying features of the
4 cars, plates, what have you, then the units take over and
5 make the stops, make the arrests or, you know, whatever has
6 to be done at that point.

7 Q Have you ever seen undercover vehicles turn on
8 their lights and sirens at a sideshow before?

9 A No.

10 Q Was it their policy to not turn on the sideshow so
11 that they don't identify themselves?

12 A I don't know if it's so much policy. But it's
13 just, you know, a little bit of common sense. If you are in
14 an undercover capacity, you don't want to run the flag
15 saying I am in undercover capacity. Because already, most
16 of these participants already start identifying, you know,
17 because there is only so many kind of cars that cops use.
18 You know, so it's not really that hard. And once they start
19 ID'ing cars they'll post it on social media. Hey, watch out
20 for this car. That's an undercover. Watch out for this
21 car. So, obviously, they want to keep that undercover thing
22 going so we can continue running an operation and deal with
23 the people we have to deal with.

24 Q Now, how would it work? Would an undercover, I am
25 going to use lay terms, but sneak up on some violators, kind

C E R T I F I C A T E

STATE OF UTAH

COUNTY OF IRON

THIS IS TO CERTIFY THAT THE FOREGOING PROCEEDINGS WERE
TAKEN BEFORE ME, RUSSEL D. MORGAN, A CERTIFIED SHORTHAND
REPORTER IN AND FOR THE STATE OF UTAH, RESIDING AT IRON
COUNTY, UTAH;

THAT THE PROCEEDINGS WERE REPORTED BY ME IN STENOGRAPHY,
AND THEREAFTER CAUSED BY ME TO BE TRANSCRIBED INTO
TYPEWRITING, AND THAT A TRUE AND CORRECT TRANSCRIPTION OF
SAID TESTIMONY SO TAKEN AND TRANSCRIBED TO THE BEST OF MY
ABILITY IS SET FORTH IN THE FOREGOING PAGES 3 to 61.

RUSSEL D. MORGAN, CSR
LICENSE #87-108442-7801

July 10, 2018.

CERTIFICATE OF DEPONENT

PAGE	LINE	CHANGE	REASON	_____
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I, RICHARD ZAVALA, deponent herein, do hereby
certify and declare under penalty of perjury the within and
foregoing transcription to be my deposition in said action
that I have read, corrected, and do hereby affix my
signature to said deposition.

RICHARD ZAVALA
Deponent

Subscribed and sworn to before me this ____ day of
_____, 2018.

Notary Public